

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.5507 OF 2020**

KALPANA DHANRAJ PAKALE ALIAS
KALPANA RAJENDRA LANDGE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

..RESPONDENTS

...

Mr. V. S. Panpatte, Advocate for the Petitioner.

Mr. S. B. Yawalkar, AGP for Respondents-State.

Ms. V. S. Chaudhari, Advocate for Respondent Nos.2 and 3.

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**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 01st MARCH, 2022.

PER COURT:-

1. The order of transfer is assailed.
2. Mr. Panpatte, learned counsel for the petitioner submits that, Clause 6 of the Government Resolution dated 15.05.2014 is not adhered too. The petitioner is transferred before 10 years. The petitioner earlier had also served in naxalite area. The learned counsel further submits that, petitioner is suffering from Tuberculosis. Twice the petitioner was operated. There are many vacant posts in the nearby area. The same is not considered.
3. Ms. Chaudhari, learned counsel submits that, petitioner is working in the Nandurbar Taluka for more than 15 years. The petitioner was due for transfer. There is no illegality committed.
4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. Clause 6 gives protection in particular Taluka for a period of 10 years. The petitioner has completed 10 years of service.

6. The petitioner also claims to be a patient of Tuberculosis and was operated twice. If proper evidence is produced, the authority may consider the transfer at convenient place.

7. Considering the above, we are not inclined to interfere with the order of transfer.

8. Upto 31.03.2022, the petitioner be allowed to work at the place the petitioner is working pursuant to the interim order passed by the Court. However, after 31.03.2022, the protection granted shall come to an end.

9. The petitioner has already given application to the respondent-Authority for transfer at the convenient place alongwith the documents of surgery and ailments. The respondent no.4 shall consider the said application, ailments of the petitioner and the evidence produced for transfer at convenient place on its own merits.

10. Writ Petition accordingly disposed of. No costs.

(S. G. DIGE)
JUDGE

Devendra/March-2022

(S. V. GANGAPURWALA)
JUDGE